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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

CHRISTIAN MEIER ET AL : ATTN: APPLICATION DIVISION

SERIAL NO: NEW US PCT APPLN :
(BASED ON PCT/EP01/01108)

FILED: HEREWITH :

FOR: DISPERSION WITH NONIONIC EMULSIFIER

PRELIMINARY AMENDMENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Prior to examination on the merits, please amend the above-identified application as follows.

IN THE CLAIMS

Please amend the claims as shown on the marked-up copy following this amendment to read as follows.

2. (Amended) The dispersion according to Claim 1, wherein the methacrylate copolymer consists of from 20 to 50% by weight of methyl methacrylate, and from 80 to 50% by weight of ethyl acrylate.

3. (Amended) The dispersion according to Claim 1, wherein the nonionic emulsifier is selected from the group consisting of ethoxylated fatty acid ester, ethoxylated fatty acid

ethers, ethoxylated sorbitan ethers, ethoxylated alkyl-phenols, glycerol esters, glycerol sugar esters, and wax derivatives.

4. (Amended) The dispersion according to Claim 1, wherein the nonionic emulsifier is selected from the group consisting of polyoxyethyleneglycerol monolaurate, polyoxyethyleneglycerol monostearate, polyoxyethylene-20-cetyl stearate, polyoxyethylene-25-cetyl stearate, polyoxyethylene (25)-oxypropylene monostearate, polyoxyethylene-20-sorbitan monopalmitate, poly-oxyethylene-16-tert-octylphenol, polyoxyethylene-20-cetyl ether, polyethylene glycol(1000) monocetyl ether, ethoxylated castor oil, polyoxyethylene sorbitol-lanolin derivatives, polyoxyethylene(25)propylene glycol stearate, polyoxyethylenesorbitol esters, polyoxyethylene-20-sorbitan monopalmitate, polyoxyethylene-16-tert-octylphenol and polyoxyethylene-20-cetyl ether.

5. (Amended) A process for preparing the dispersion claimed in Claim 1, comprising the step of emulsion polymerization.

6. (Amended) A pharmaceutical composition comprising the dispersion as claimed in Claim 1 and a pharmaceutically active substance.

7. (Amended) The pharmaceutical composition as claimed in Claim 6, wherein said pharmaceutically active substance comprises an active substance selected from the group consisting of morphine, morphine derivatives, tramadol, acetylsalicylic acid, diclofenac, indomethacin, lonazolac, ibuprofen, ketoprofen, propyphenazone, naproxen, paracetamol, flurbiprofen, dimetindene, quinidine, metoprolol, propanolol, oxprenolol, pindolol, atenolol, metoprolol, disopyramide, verapamil, diltiazem, gallopamil, nifedipine, nicardipine, nisoldipine, nimodipine, amlodipine, theophylline, salbutamol, terbutaline, ambroxol, aminophylline, choline theophyllinate, pyridostigmine, piretanide, furosemide,

pentoxifylline, naftidrofuryl, buflomedil, xanthinol nicotinate, bencyclane, allopurinol, norephedrine, chlorphenamine, isosorbide mononitrate, isosorbide dinitrate, glycerol trinitrate, molsidomine, bezafibrate, fenofibrate, gemfibrozil, cerivastatin, prava-statin, fluvastatin, lovastatin, atorvastatin, simvastatin, xanthinol, methoclopramide, amitriptyline, dibenzepine, venlafaxine, thioridazine, oxazepam, lithium, nitrofurantoin, dry plant extract, ascorbic acid and pharmaceutical salts thereof.

8. (Amended) A pharmaceutical composition comprising an active pharmaceutical substance and the dispersion as claimed in Claim 1, wherein said active pharmaceutical substance is bound or coated with said dispersion.

Please add new Claims 9-12.

9. (New) A method for coating a pharmaceutical composition comprising encapsulating the pharmaceutical composition with the dispersion claimed in Claim 1.

10. (New) Dispersion according to Claim 1, wherein the methacrylate copolymer consists of from 20 to 50% by weight of methyl methacrylate and from 80 to 50% by weight of ethyl acrylate and from 0 to 10% by weight of methacrylic acid.

11. (New) Dispersion according to Claim 1, wherein the nonionic emulsifier is polyoxyethylene-25-cetyl stearate.

12. (New) The pharmaceutical composition claimed in Claim 7, wherein said pharmaceutical salts are potassium salts.

REMARKS

Claims 1-12 are active in the present application. Claims 3-5 have been amended to remove multiple dependencies. Claims 2-8 have been further amended to conform to U.S. Patent Practice. Claims 9-12 are new claims. Support for new Claim 9 can be found on pages 17 and 18 of the specification. Support for new Claim 10 can be found in original Claim 2. Support for new Claim 11 can be found in original Claim 4. Support for new Claim 12 can be found in original Claim 7. No new matter is added. An action on the merits and allowance of claims is solicited.

Respectfully submitted,

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IN THE CLAIMS

--2. (Amended) The dispersion [Dispersion] according to Claim 1, [characterized in that] wherein the methacrylate copolymer consists of from 20 to 50% by weight of methyl methacrylate, and from 80 to 50% by weight of ethyl acrylate [and, if desired, from 0 to 10% by weight of methacrylic acid].

3. (Amended) The dispersion [Dispersion] according to Claim 1, wherein [or 2, characterized in that] the nonionic emulsifier is selected from the [substance] group consisting of [the] ethoxylated fatty acid esters [or], ethoxylated fatty acid ethers, ethoxylated sorbitan ethers, ethoxylated alkyl-phenols, glycerol esters [or] , glycerol sugar esters, [or] and wax derivatives.

4. (Amended) The dispersion [Dispersion] according to Claim 1, wherein [one or more of Claims 1 to 3, characterized in that] the nonionic emulsifier is selected from the group consisting of polyoxyethyleneglycerol monolaurate, polyoxyethyleneglycerol monostearate, polyoxyethylene-20-cetyl stearate, polyoxyethylene-25-cetyl stearate, polyoxyethylene (25)oxypropylene monostearate, polyoxyethylene-20-sorbitan monopalmitate, poly-oxyethylene-16-tert-octylphenol, polyoxyethylene-20-cetyl ether, polyethylene glycol(1000) monocetyl ether, ethoxylated castor oil, polyoxyethylene

sorbitol-lanolin derivatives, polyoxyethylene(25)propylene glycol stearate , [and] polyoxyethylenesorbitol esters, [preferably polyoxyethylene-25-cetyl stearate,] polyoxyethylene-20-sorbitan monopalmitate, polyoxyethylene-16-tert-octylphenol and polyoxyethylene-20-cetyl ether.

5. (Amended) A process [Process] for preparing the dispersion claimed in Claim 1, comprising the step of [a dispersion according to one or more of Claims 1 to 4 in a manner known per se by] emulsion polymerization.

6. (Amended) [Use of a dispersion according to one or more of Claims 1 to 4 as a coating agent or binder for the preparation of medicaments.] A pharmaceutical composition comprising the dispersion as claimed in Claim 1 and a pharmaceutically active substance.

7. (Amended) The pharmaceutical composition as claimed in Claim 6, wherein said pharmaceutically active substance comprises an active substance selected from the group consisting of [Use according to Claim 6, characterized in that the coated or bound medicaments comprise one of the following active substances:] morphine [and its] , morphine derivatives, tramadol, acetylsalicylic acid, diclofenac, indomethacin, lonazolac, ibuprofen, ketoprofen, propyphenazone, naproxen, paracetamol, flurbiprofen, dimetindene, quinidine, metoprolol, propanolol, oxprenolol, pindolol, atenolol, metoprolol, disopyramide, verapamil, diltiazem, gallopamil, nifedipine, nicardipine, nisoldipine, nimodipine, amlodipine, theophylline, salbutamol, terbutaline, ambroxol, aminophylline, choline theophyllinate, pyridostigmine, piretanide, furosemide, pentoxifylline, naftidrofuryl, buflomedil, xanthinol nicotinate, bencyclane, allopurinol, norephedrine, chlorphenamine, isosorbide mononitrate, isosorbide dinitrate, glycerol trinitrate, molsidomine, bezafibrate, fenofibrate, gemfibrozil, cerivastatin, prava-statin, fluvastatin, lovastatin, atorvastatin, simvastatin, xanthinol,

methoclopramide, amitriptyline, dibenzepine, venlafaxine, thioridazine, oxazepam, lithium, nitrofurantoin, dry plant extract, ascorbic acid and pharmaceutical salts thereof [potassium and the salts thereof used pharmaceutically].

8. (Amended) [Pharmaceutical form comprising an active pharmaceutical substance, characterized in that the active substance is bound or coated with an emulsion polymer obtained from a dispersion according to one or more of Claims 1 to 5 by drying.] A pharmaceutical composition comprising an active pharmaceutical substance and the dispersion as claimed in Claim 1, wherein said active pharmaceutical substance is bound or coated with said dispersion.--

Claims 9-12 (New).